

CHARGE: 402 (a) (3)—contained rodent hairs; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-23-56. Corporation fined \$1,000 and individual \$250.

23197. Frozen egg roll, frozen Won-Ton soup, and frozen chicken chow mein.
(F. D. C. No. 38405. S. Nos. 32-682/4 M.)

QUANTITY: 194 cases, 12 boxes each, of frozen egg roll, 99 cases, 12 boxes each, of frozen Won-Ton soup, and 199 cases, 12 boxes each, of frozen chicken chow mein, at Philadelphia, Pa.

SHIPPED: 6-16-55 and 7-27-55, from Brooklyn, N. Y., by Temple Frosted Foods, Inc.

LABEL IN PART: (Box) "Quick Frozen Chinese Egg Roll Net Wt. 7 Ozs. * * * Temple's Frosted Foods," "Temple's Frosted Foods Quick Frozen * * * Chinese Won-Ton Soup (Kreplach) * * * Net Wt. 15 Oz.," and "Temple's Frosted Foods Quick Frozen Chicken Chow Mein Net Wt. 12 Ozs."

LIBELED: 8-19-55, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained fly parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-20-55. Default—destruction.

23198. Edi-Gel. (F. D. C. No. 38315. S. No. 25-870 M.)

QUANTITY: 30 50-lb. bags at Bongards, Minn., in possession of Bongards Co-op. Creamery Association.

SHIPPED: 5-6-53, from Keokuk, Iowa.

LIBELED: 9-7-55, Dist. Minn.

CHARGE: 402 (a) (3)—contained rodent excreta and insects; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 11-8-55. Default—destruction.

23199. Eg-O-Do. (F. D. C. No. 38658. S. No. 1-804 M.)

QUANTITY: 1 208-lb. drum at Norfolk, Va.

SHIPPED: 9-9-55, from Philadelphia, Pa., by Brokay Products.

LABEL IN PART: (Drum) "Brokay Eg-O-Do."

LIBELED: 10-27-55, E. Dist. Va.

CHARGE: 402 (a) (3)—contained insects and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 12-2-55. Default—consumption by animals.

23200. Coal-tar color. (F. D. C. No. 38264. S. No. 18-414 M.)

QUANTITY: 1 125-lb. drum at Brooklyn, N. Y.

SHIPPED: On 2-3-55, a drum, the labeling of which represented that it contained FD&C Red No. 2 of Certified lot No. G 3459, was shipped from Lansdowne, Pa., to Atlanta, Ga. Upon its arrival, the consignee refused to accept the article because the drum was damaged.

On 2-7-55, Associated Transport, Inc., Atlanta, Ga., shipped the damaged drum to Universal Salvage & Testing Corp., New York, N. Y. The latter firm

resold the article to Hamilton Sales & Salvage Co., Brooklyn, N. Y., in whose possession the article was seized in a drum marked in black crayon "H1195."

LICENSED: 7-29-55, E. Dist. N. Y.

CHARGE: 402 (c)—while in interstate commerce, the article contained a coal-tar color other than one from a batch that had been certified in accordance with the requirements of the law, since the certificate became ineffective when the package was shipped and delivered to Brooklyn, N. Y., without the label required by the color certification regulations.

DISPOSITION: 9-28-55. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 23101 TO 23200

PRODUCTS

| | N. J. No. | | N. J. No. |
|--|--------------|--|---------------------------|
| Apples, canned | 23137 | Egg(s), frozen | 23129, 23130 |
| dried | 23138 | roll, frozen | 23197 |
| Bakery products | 23101, 23102 | Eg-O-Do | 23199 |
| Barley | 23108 | Fats. <i>See</i> Oils and fats. | |
| Beans, Great Northern, dried | 23139 | Feedoil | 23195 |
| mung, dried | 23140 | Filberts, unshelled | 23171 |
| Benevim | 23187 | Fish and shellfish | 23131-23136 |
| Bread | 23101 | Flavors. <i>See</i> Spices, flavors, and | |
| Butter | 23126 | seasoning materials. | |
| Butterfish, frozen | 23132 | Flour | 23102, 23104-23106, 23114 |
| Calirovit tablets | 23188 | rice | 23107 |
| Candy. <i>See</i> Confectionery. | | Frog legs | 23165 |
| Caraway seed | 23176 | Fruits and vegetables | 23137-23163 |
| Cashew nuts | 23170 | fruit, canned | 23137 |
| Catsup, tomato | 23151-23153 | dried | 23138 |
| Cereals and cereal products | 23101-23122 | tomatoes and tomato prod- ucts | 23146-23163 |
| Cheese | 23127 | vegetables and vegetable prod- ucts | 23139-23145 |
| longhorn | 23128 | Ginger, ground | 23176 |
| Cherry peppers, hot, canned | 23179 | Great Northern beans, dried | 23139 |
| Chickens. <i>See</i> Meat and poultry. | | Greens, turnip, canned | 23142 |
| Chow mein, chicken, frozen | 23169, 23197 | Horsemeat | 23164 |
| Coal-tar color | 23200 | Longhorn cheese | 23128 |
| Cocoa powder | 23107 | Marshmallow creme | 23125 |
| Color, coal-tar | 23200 | Meat and poultry ¹ | 23164-23169, 23197 |
| Complevite Drops | 23189 | Mung beans, dried | 23140 |
| Confectionery | 23123-23125 | Nutricol capsules | 23190 |
| Cookies | 23102 | Nuts and nut products | 23117, 23170-23173 |
| Cornmeal | 23103 | Oils and fats | 23174, 23175 |
| Crabmeat, canned | 23134 | Olive oil | 23175 |
| Dairy products | 23126-23128 | Onions in brine | 23143 |
| Decal wafers | 23194 | Orvita | 23191 |
| Derma, stuffed | 23196 | Oysters | 23135, 23136 |
| Dough base, sweet | 23122 | Peanut(s), butter | 23173 |
| Edi-Gel | 23198 | unshelled | 23172 |
| | | Peas, split, dried | 23141 |
| | | Pepper, white, ground | 23176 |

¹ (23167) Seizure contested.

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

23201-23250

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which default or consent decrees of condemnation were entered; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere or a verdict of guilty; and (3) injunction proceedings terminated with the entry of a consent decree of injunction. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., March 12, 1957.

CONTENTS

| | Page | | Page |
|----------------------------------|------|-----------------------------------|------|
| Cereals and cereal products..... | 64 | Fruits and vegetables..... | 70 |
| Flour..... | 64 | Jam..... | 70 |
| Macaroni and noodle products.... | 65 | Vegetables..... | 70 |
| Miscellaneous cereals..... | 66 | Tomato products..... | 72 |
| Confectionery..... | 66 | Nuts..... | 73 |
| Dairy products..... | 67 | Poultry..... | 74 |
| Butter..... | 67 | Vitamin, mineral, and other prod- | |
| Cheese..... | 67 | ucts of special dietary signifi- | |
| Miscellaneous dairy products.... | 68 | cance..... | 77 |
| Fish and shellfish..... | 68 | Miscellaneous foods..... | 80 |

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F. N. J. NOS. 23201-23250**

Adulteration, Section 402 (a) (2), the article, in one case, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in two other cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408 (a); Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance or was otherwise unfit for food; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter; Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402 (b) (2), a substance had been substituted wholly or in part for the article; Section 402 (b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality; Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; Section 408 (a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403 (a), the labeling of the article was false and misleading; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR

23201. Flour. (F. D. C. No. 39062. S. No. 32-573 M.)

QUANTITY: 67 100-lb. bags at Allentown, Pa., in possession of Hawk Flour Mills, Inc.

SHIPPED: 2-27-56, from Alton, Ill.

LIBELED: 5-4-56, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained bird excreta; and 402 (a) (4)—held under insanitary conditions.

DISPOSITION: 6-4-56. Default—destruction.

23202. Flour. (F. D. C. No. 39021. S. Nos. 25-940/1 M.)

QUANTITY: 100 50-lb. bags at Chariton, Iowa, in possession of Chariton Wholesale Grocery.

SHIPPED: Between 10-27-55 and 3-1-56, from Atchison, Kans., and Omaha, Nebr.

LIBELED: 4-4-56, S. Dist. Iowa.